

IN THE CLAIMS:

Please replace Claims 1-9 with the attached clean version of replacement claims 1-9.

Please see a marked-up version of the amended claims attached hereto to aid the Examiner in identification of changes.

Please add new Claims 10-17.

REMARKS

Reconsideration of the above-identified application is respectfully requested.

Claims 1-9 are pending in the application. New claims 10-17 have been added.

The claims have been rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The claims recite the term "use" or "using" and the Examiner believes that these terms do not recite a process step. The claims have been amended as noted to obviate this rejection.

The claims have been rejected under 35 USC §101 because the Examiner alleges that the claimed invention is directed toward non-statutory subject matter because of the recitation of the term "use" in the claims. The modification of the claims as previously discussed obviates this rejection.

The claims have been rejected under the non-statutory double patenting rejection based on the judicially created doctrine grounded in public policy so as to prevent the unjustified or improper timewise extension for the "right to exclude" granted by the patent. More specifically, the claims have been provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over Claims 1-10 of co-pending application no. 09/936,788; over Claims 1-10 of co-pending application no. 09/937,013; over Claims 1-5 of co-pending application no. 09/958,056; and over Claims 1-8 of co-pending application